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10/601,790

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Juergen Kind

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP

901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER

AN, IG TAI

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/601,790	<b>Applicant(s)</b> KIND ET AL.	
	<b>Examiner</b> IG TAI AN	<b>Art Unit</b> 4127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/13/2003, 8/22/2006</u> .                                    | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This communication is a First Office Action Non- Final Rejection on the merits.

Claims 1 - 53 are currently pending and have been considered below.

#### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **“different rule” in claim 7 line 3, “prima nota booking” in claim 14 line 2, “a pointer to the database” in claim 16 line 2, and “DDIC” in claim 17 line 2** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim 5 recites "receives the total amount and the calculation rule representation with the total amount at a first time point and with the calculation rule as a second time point." It is unclear that whether the total amount and the calculation rule representation are received at first time with extra total amount value and at second time with extra calculation rule presentation value, or both total amount and calculation rule representation are received at different time points.

Claim 7 recites "the distributing module and the posting module each are provided twice to simultaneously calculate". It is unclear whether two modules of the distributing module and the posting module are sent twice to two destinations or four modules of two distributing module and two posting modules are sent one destination.

Claim 7 recites "different rules". It is unclear that what the different rules applicant is referring to.

Claim 14 recites "prima nota booking". It is unclear what the prima nota booking applicant is referring to.

Claim 16 recites "the total amount as a pointer to the database". It is unclear whether the total amount refers to the previously mentioned total amount or total amount after applying calculation rules.

Clarification is required.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1 - 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1 – 24 are directed to a computer program and fail to claim the "program" recorded on an appropriate computer readable medium so as to be structurally and functionally interrelated to the medium and permit the function of descriptive material to be realized.

Further In claims 1 - 53, the computer program, method and system claimed is non-statutory because they contains software modules (data) structures not claimed as embodied in computer-readable media and therefore are descriptive material *per se* and are not statutory because they are not capable of causing function change in a

computer. See *In re Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760. Also, claim 39 does no fall in one of the four statutory categories.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 - 4, 7, 18 - 19, 23 - 29, 37 - 43, 45, and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Hollar et al. (US 20030126048).

**As per Claims 1, 25, 39 and 40**, Hollar et al. (hereinafter Hollar) discloses a computer program comprising a plurality of code modules that control a computer (See Figure 3a; via the system runs with computer program), the computer program cooperating with a computer application, the modules comprising:  
a distributing module receiving a total amount and a calculation rule representation from the application to calculate a partial amount representation (See Hollar paragraph 72, paragraph 173, and paragraph 208; via the system receives information on contract or agreement, total amount, and charges on an accrual basis); and

a posting module receiving the partial amount representation to provide a modifying instruction to a first table and to a second table in a database (See paragraph 75, 95 and 200; via report is provided for ledger and journal entries).

**As per Claims 2, 26, and 41**, Hollar discloses wherein the calculation rule representation comprises contract information (See paragraph 72; via contract or agreement).

**As per Claims 3, 27, and 42**, Hollar discloses wherein the contract information comprises data selected from the group of: time points, a sum value, and a history (See paragraph 74; via history information, payment periods, and depreciation calculation. The Examiner construes that payment period is equivalent to payment period and depreciation calculation as a sum value).

**As per Claims 4, 28, and 43**, Hollars discloses wherein the partial amount representation represents an accrual value (See paragraph 142; via A/R rules determines whether accounting is performed on an accrual basis).

**As per Claims 7 and 45**, Hollar discloses wherein the distributing module and the posting module each are provided twice to simultaneously calculate based on different rules (See paragraph 104; via various validations are performed at the lease level. In order to validate, two identical data should be sent simultaneously to different

algorithm and the result should be matched. Therefore, the Examiner construes that validation is equivalent to providing sets of data twice simultaneously to calculate based on different rules).

**As per Claims 18, 37 and 53**, Hollar discloses wherein at least one computer application is provided that comprises functions selected from the group of: leasing, stock option accounting, e-business accounting, financial services, customer relationship management, product lifecycle management, and media (See Hollar et al. abstraction; via a system is provided for effectively managing lease transactions in a comprehensive manner).

**As per Claims 19, and 38**, Hollar discloses wherein the modifying instruction comprises reports (See paragraph 74; via generating appropriate reports).

**As per Claim 23**, Hollar discloses wherein a visual user interface is adapted to provide remote-control of the distributing module and the posting module (See paragraph 71; user connect to the system using internet or WAN or LAN).

**As per Claim 24**, Hollar discloses wherein at least one of the first and second tables comprises a ledger (See paragraph 117; via general ledger and journal entries).



***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 5 – 6, 11 – 13, 10 – 22, 29 – 30, 32 – 34, 44, and 48 – 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollar et al. (US 20030126048) in view of Boicourt et al. (US 20010029475)

**As per Claims 5, 29, and 44**, Hollar teaches all the elements of the claimed invention but is silent regarding wherein the distributing module receives the total amount and the calculation rule representation with the total amount at a first time point and with the calculation rule at a second time point.

Boicourt et al (hereinafter Boicourt) discloses a financial processing system having wherein the distributing module receives the total amount and the calculation

rule representation with the total amount at a first time point and with the calculation rule at a second time point (See Fig 19; balance forward, current month transactions, and the year to date balance. The examiner construes that "balance forward" is equivalent to the total amount of the first time point and the "current month" and "year to date" are equivalent to the calculation rule representation and total amount of the second time point. Calculation rule presentation is considered as the monetary amount that should be credited or debited. Year to date column displays the total amount of balance after adding/subtracting the transactions of current month from the balance forward).

Therefore, from this teaching of Boicourt, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify asset based lease transaction management and accounting system of Hollar to include a module receives the total amount at first time point and calculation rules at second time point as taught by Boicourt to easily identify the transaction of money and process accounting information to receive final total balance of the account.

**As per Claim 6 and 30**, Hollar teaches all the elements of the claimed invention but is silent regarding wherein receiving the calculation rule at the second time point triggers a calculation.

Boicourt discloses a financial processing system having wherein receiving the calculation rule at the second time point triggers a calculation (See Fig 19; balance forward, current month transactions, and the year to date balance. The examiner construes that "balance forward" is equivalent to total amount at first time point and the

"current month" and "year to date" are equivalent to calculation rule representation and total amount at the second time point. Calculation rule presentation is considered as the monetary amount that should be credited or debited. Year to date column displays the total amount of balance after adding/subtracting the transactions of current month from the balance forward).

Therefore, from this teaching of Boicourt, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify asset based lease transaction management and accounting system of Hollar to include a module receives the calculation rule at the second time point triggers a calculation as taught by Boicourt to easily identify the transaction of money and process accounting information to receive final total balance of the account.

**As per Claims 11, 32, 48,** Hollar teaches all the elements of the claimed invention but is silent regarding wherein the distributing module receives a further total amount and a calculation rule representation from a further application, wherein the further representation has an application identification rule.

Boicourt discloses a financial processing system having a wherein the distributing module receives a further total amount and a calculation rule representation from a further application, wherein the further representation has an application identification rule (Figure 19; via multiple account session number, descriptions for the account sessions, balance forward, current month, and years to date. The Examiner construes that application identification rule is to be the description for the transaction).

Therefore, from this teaching of Boicourt, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify asset based lease transaction management and accounting system of Hollar to include a module receives multiple account session number, balance forward, description for the account session, current month and year to date balances as taught by Boicourt to easily identify the transaction of money and accelerate the accounting process.

**As 12, 33, and 49,** Hollar teaches all the elements of claimed invention but is silent regarding wherein the distributing module and the posting module communicate with both applications via first and second interfaces.

Boicourt discloses a financial processing system and method having wherein the distributing module and the posting module communicate with both applications via first and second interfaces (See Figure 1, Figure 19, and abstract; via computer system with different I/Os (Inputs and Outputs) interfaces and the general Ledger account file. The general ledger has the total amount for first time point and the calculation rule (debit/credit) and the final balance (total amount at second point time). The user is allowed to enter and/or modify various types of data using the computer system and integrates set of software functions).

Therefore, from this teaching of Boicourt, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify asset based lease transaction management and accounting system of Hollar to include user interface that communicates with different modules as taught by Boicourt to allow user to modify accounting related data.

**As per Claim 13, 34, 50**, Hollar teaches all the elements of claimed invention but is silent regarding wherein the distributing module is coupled to a user interface to changes rules that have been received from the application.

Boicourt discloses a financial processing system and method having wherein the distributing module is coupled to a user interface to changes rules that have been received from the application (See abstract; via the user is allowed to enter and/or modify various types of data using the computer system and integrates set of software functions).

Therefore, from this teaching of Boicourt, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify asset based lease transaction management and accounting system of Hollar to include user interface that communicates with different modules as taught by Boicourt to allow user to modify accounting related data.

**As per Claim 20**, Hollar discloses all the elements of the claimed invention but is silent regarding wherein the representations comprise global identification to identify table entries.

Boicourt discloses wherein the representations comprise global identification to identify table entries (See Figure 19; via description of transaction).

Therefore, from this teaching of Boicourt, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify asset based lease transaction management and accounting system of Hollar to include a module receives multiple account session number, balance forward, description for the account session,

current month and year to date balances as taught by Boicourt to easily identify the transaction of money and accelerate the accounting process.

**As per Claim 21**, Hollar discloses all the elements of the claimed invention but is silent regarding wherein the distributing module and the posting module both include a reporting function.

Boicourt discloses a financial processing system and method having wherein the distributing module and the posting module both include a reporting function (See Figure 18a, 18b and 18c; via report function on different module).

Therefore, from this teaching of Boicourt, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify asset based lease transaction management and accounting system of Hollar to include reporting function in different modules as taught by Boicourt to easily monitor accounting transactions.

**As per Claim 22**, Hollar discloses all the claimed invention but is silent regarding wherein both the distributing module and the posting module cooperate with a visual user interface.

Boicourt discloses a financial process system and method having wherein both the distributing module and the posting module cooperate with a visual user interface (See Figure 1 #14 and #18, paragraph 117, and paragraph 121; via monitor and printer. General ledger with total amount and calculation rule, and the total balance is displayed on the screen).

Therefore, from this teaching of Boicourt, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify asset based lease transaction management and accounting system of Hollar to include visual user interface as taught by Boicourt to monitor account transactions.

11. Claims 8 - 10, 14, 31, and 46 - 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollar in view of Eder (US 20010034628).

**As per Claim 8**, Hollar teaches all the elements of claimed invention but is silent regarding wherein at least one of the rules is defined in accordance with Generally Accepted Accounting Principles (GAAP).

Eder discloses a detailed method of and system for modeling and analyzing business improvement programs having at least one of the rules is defined in accordance with Generally Accepted Accounting Principles (See table I; via GAAP).

Therefore, from the teaching of Eder, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify asset based lease transaction management and accounting system of Hollar to include GAAP rules as taught by Eder to easily identify transactions and related accounting information.

**As per Claims 9 and 46**, Hollar teaches all the elements of claimed invention but is silent regarding wherein at least one of the rules is a standard rule, selected from the list of: a percentage, and a discount calculation.

Eder discloses a detailed method of and system for modeling and analyzing business improvement programs having wherein at least one of the rules is a standard rule, selected from the list of: a percentage, and a discount calculation (See paragraph 56; via discount rate calculation).

Therefore, from the teaching of Eder, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify asset based lease transaction management and accounting system of Hollar to include standard rules as taught by Eder to easily identify transactions and related accounting information.

**As per Claim 10, 31, and 47**, Hollar teaches all the elements of the claimed invention but is silent regarding wherein the posting module provides the modifying instruction to a database that is a knowledge warehouse.

Eder discloses a detailed method of and system for modeling and analyzing business improvement programs having wherein the posting module provides the modifying instruction to a database that is a knowledge warehouse (See paragraph 208; via The software prepares a report summarizing the result of proceeding calculation that is stored in the reports table in the application database).

Therefore, from the teaching of Eder, it could have been obvious to one of ordinary skill in the art at the time of invention was made to modify asset based lease transaction management and accounting system of Hollar to include database as taught by Eder to store accounting information and easily retrieve information.



. **As per Claim 14**, Hollar teaches all the claimed invention but is silent regarding wherein the modifying instruction is provided such to cause prima nota booking.

Eder discloses a detailed method of and system for modeling and analyzing business improvement programs having wherein the modifying instruction is provided such to cause prima nota booking (See paragraph 59; via for the calculations completed by the present invention, a transaction will be defined as any event that is logged or recorded. As best understood, the Examiner construed that the prima nota as update log based on Heinrichs et al. (US 20030204450). In a broad interpretation, transaction is causing the log or records).

Therefore, from the teaching of Eder, it could have been obvious to one of ordinary skill in the art at the time of invention was made to modify asset based lease transaction management and accounting system of Hollar to include logs or records of transaction as taught by Eder to keep tracks of transactions which are used in accounting process.

12. Claims 15, 35, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollar in view of Richard Kochanek (HBJ, Financial Accounting).

**As per Claims 15, 35, and 51**, Hollar discloses all the elements of claimed invention, but is silent regarding wherein modifying instructions are provided to modify

the first and second tables, each of the tables being subdivided into credit and debit sub-tables.

Richard Kochanek discloses financial accounting having wherein modifying instructions are provided to modify the first and second tables, each of the tables being subdivided into credit and debit sub-tables (See Figure 2 – 4 on page 59; via general journal and general ledger with credit and debit columns).

Therefore, from the teaching of Richard Kochanek, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify asset based lease transaction management and accounting system of Hollar to include tables being subdivided into credit and debit sub-tables as taught by Richard Kochanek to quickly and easily identify the accounting transactions.

13. Claims 16, 36, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollar in view of Langhans et al. (hereinafter Langhans) (US 5621201).

**As per Claims 16, 36, and 52**, Hollar teaches all the elements of the claimed invention but is silent regarding wherein the total amount and the calculation rule representation represents the total amount as a pointer to the database.

Langhans discloses automated purchasing control system having wherein the total amount and the calculation rule representation represents the total amount as a pointer to the database (See column 4 lines 16 – 17; via a pointer in the account database).

Therefore, from the teaching of Langhans, it could have been obvious to one of ordinary skill in the art at the time of invention was made to modify asset based lease transaction management and accounting system of Hollar to include a pointer to a database as taught by Langhans to keep the accounting related information correctly in the database.

14. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollar in view of Teng (US 20020091597).

**As per Claim 17**, Hollar teaches all the elements of the claimed invention but is silent regarding wherein the computer program is implemented as a DDIC.

Teng discloses a method and system of using invoice categorization in accounting management application having program implemented as a DDIC (See paragraph 14; via the invention applies concept of database management and data dictionary. The Examiner construes that DDIC as a data dictionary).

Therefore, from this teaching of Teng, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify asset based lease transaction management and accounting system of Hollar to include data dictionary implemented in the system as taught by Teng to store transactions and account information for further use.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marks (US 5117356) discloses an automated ledger account maintenance system.

Guzelsu (US 6381587) discloses a method and system for standardizing and reconciling invoices from vendors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IG TAI AN whose telephone number is (571)270-5110. The examiner can normally be reached on Monday - Thursday from 9:30 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ITA

/Lynda Jasmin/

Supervisory Patent Examiner, Art Unit 4127